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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/618,778	07/18/2000	James P. Murphy	JJ001	8792

7590

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EXAMINER

NALVEN, ANDREW L

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 02/11/2004

2

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/618,778

Applicant(s)

MURPHY ET AL.

Examiner

Andrew Nalven

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-19 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1, 5, 7-8, 12, 14 are rejected under 35 U.S.C. 102(a) as being anticipated by Weyer US Patent No. 6,024,572. Weyer teaches a means for adding educational enhancements to computer games.
4. With regards to claims 1, 8, and 14, Weyer teaches a processor (Weyer, column 2 lines 1-3), a memory comprising instructions for execution by the processor (Weyer, column 2 lines 1-7), instructions for periodically presenting a set of working queries during execution of an entertainment application (Weyer, column 2 lines 20-23 and 50-54), instructions for accepting answers to the working queries (Weyer, column 3 lines 8-14), and allowing access to the entertainment software application based on the answers (Weyer, column 3 lines 14-21).
5. With regards to claims 5 and 12, Weyer teaches the working queries being randomly selected from a working query database (Weyer, column 2 lines 41-48).

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6. With regards to claim 7, Weyer teaches instructions for pausing the entertainment software package before presenting the set of working queries (Weyer, column 2 lines 50-53).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-3, 9-10, 13, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weyer US Patent No. 6,024,572 in view of Ho et al US Patent No. 5,743,746.

9. With regards to claims 2-3, 9-10, and 16, Weyer, as described above, teaches a time period for allowing access to the entertainment software package (Weyer, column 2, lines 24-31) but fails to teach the time period for access to the entertainment software being derived from the answers or the time period increasing. Ho discloses a reward enriched learning system and method. Ho teaches an increasing reward based upon an increasing number of correct answers (Ho, column 12, lines 54-57) that may be placed toward the playing of a game (Ho, column 6 lines 50-58). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Ho's method of increasing rewards because it offers the advantage of

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encouraging students to work harder and perform better in order to achieve the rewards (Ho, column 1, lines 19-39).

10. With regards to claim 13, Weyer as modified fails to teach the identification of the user of the electronic amusement device. Ho teaches software instructions for identifying a current user wherein the set of working queries is based upon the user (Ho, column 9 line 60 – column 10 line 4). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Ho's method of user identification to specifically tailor questions because it offers the advantage of allowing questions to focus on the skill level of the user's age group (Ho, column 9 lines 65-67).

11. Claims 4, 6, 11, 15, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weyer US Patent No. 6,024,572 in view of Ho et al US Patent No. 5,743,743 (Ho (2)).

12. With regards to claims 4, 11, and 15, Weyer, as described above, fails to teach instructions for monitoring a task list of applications to identify entertainment software. Ho teaches instructions for monitoring a task list of executing applications and identifying execution of entertainment software applications based on the task list (Ho (2), column 10 lines 5-67). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Ho's method of monitoring a task list of executing applications because it offers the advantage of ensuring a student is not distracted by entertainment materials on a computer by forcing the student to focus on the study materials available (Ho (2), column 1 line 66 – column 2 line 2).

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13. With regards to claim 6, Weyer as modified teaches working queries including custom queries written by a local control system supervisor (Ho (2), column 3 lines 40-43). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Ho's method of writing working queries because it offers the advantage of allowing the designation of study materials whose main purpose is to convey knowledge (Ho (2), column 3 lines 33-54).

14. With regards to claims 17-18, Weyer as modified fails to teach the termination of the entertainment software package based on the answers. Ho teaches that success in answering questions is the only way to return to use of the entertainment software package (Ho (2), column 11, lines 40-53). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to terminate the software package due to incorrect answers because it would reinforce the rewards for success and would further limit a student's possibility of distraction while studying (Ho (2), column 1, lines 36-59).

15. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weyer US Patent No. 6,024,572 and Ho et al US Patent No. 5,743,743 (Ho (2)) as applied to claim 18 above, and further in view of Ho et al US Patent No. 5,743,746 (Ho (1)).

Weyer and Ho (2) fail to teach the identification of the user of the electronic amusement device. Ho (1) teaches software instructions for identifying a current user wherein the set of working queries is based upon the user (Ho, column 9 line 60 – column 10 line 4). At the time the invention was made, it would have been obvious to a person of ordinary

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skill in the art to utilize Ho's method of user identification to specifically tailor questions because it offers the advantage of allowing questions to focus on the skill level of the user's age group (Ho (1), column 9 lines 65-67).

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

17. Any inquiry regarding this communication from the examiner should be directed to Andrew Nalven at (703) 305-8407 during the hours of 7:15 AM – 4:45 PM Monday through Thursday. The examiner can also be reached on alternate Fridays.

In the event that attempts to reach the examiner are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (703) 308 – 4789.

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(703) 872-9306 (for formal communications intended for entry)

Or:

(703) 872-9306 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA 22202, Fourth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Andrew Nalven

ALN


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100